Indian and Northern Affairs Canada
Affaires indiennes et du Nord Canada

NWT
Plain Talk
On Land and Self-government

April 2003

Deh Cho Special Edition

Respected Elder Daniel Sonfrere of the Kátlodeeche First Nation (Hay River Reserve) shares his knowledge of the Deh Cho Process during the Deh Cho First Nations winter leadership meeting in Wrigley. Deh Cho leadership passed resolutions to support a package of Interim Land Withdrawals for the Deh Cho region and to sign an Interim Resource Development Agreement with Canada, moving the Deh Cho Process a step closer to an agreement on land, resources and governance.

Breaking new ground to find common ground

A message from the Chief Federal Negotiator

Chief Federal Negotiator, Robin Aitken.

Anyone involved in land, resource and self-government negotiations in the Northwest Territories knows that innovation is not only desirable, it's a requirement.

Since the negotiations we call the "Deh Cho Process" began in late 1999, the Deh Cho First Nations, Canada and the Government of the Northwest Territories (GNWT) have found new and creative ways to resolve outstanding land, resource and governance issues in the Deh Cho territory. That's what it takes to find common ground and workable solutions when the issues on the table are very complex.

Our job as negotiators has many dimensions. It requires that we understand and respect the culture, tradition and history of the Deh Cho people, then build upon it, to form a modern, productive partnership between our governments.

Yes, like in any negotiation, each of us in the Deh Cho Process comes to the table with our interests, even some "bottom lines", but then we sit down and get to work. Like puzzle pieces, at first glance, some of our positions can seem impossible to connect. We examine them from every angle and eventually things start falling into place. It isn't always easy, but we are making steady progress and a picture is starting to emerge. Piece by piece, we are building the Deh Cho house.

For example, in May 2001, the Deh Cho First Nations, Canada and the GNWT signed a Framework Agreement and an Interim Measures Agreement. These agreements put in place a solid base for negotiations. Canada and the Deh Cho First Nations have just reached two more key milestones: an Interim Resource Development Agreement and an Interim Land Withdrawals package.

This special edition of *Plain Talk* explains these two agreements. Together, they give the Deh Cho First Nations new tools to protect the land and water they value, as well as an opportunity to benefit from the resource potential of the Deh Cho territory while negotiations proceed towards a final agreement. These agreements also provide important information for anyone wanting to do business in the Deh Cho territory, which will help strengthen the economy of the region, and the NWT as a whole.

With these interim measures in place, we will turn our focus on the next major step towards a final agreement: an Agreement-in-Principle.

I encourage you to take a moment to read about the Deh Cho Process. If you have questions, you can find out more on the web by contacting us using the information on Page 4.

Mahsi cho, Robin Aitken

Chief Federal Negotiator
Deh Cho Process

The purpose of our newsletter is to keep you informed on the progress of land and self-government negotiations in the Northwest Territories, and to provide some answers to frequently asked questions. We also feature the people and communities involved in negotiations, celebrate milestones, and announce upcoming events. On behalf of the Department of Indian Affairs and Northern Development (DIAND), we hope you will find our newsletter informative and easy to read.

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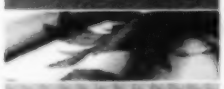


Canada

Common goals

The negotiations on land, resource and governance known as the Deh Cho Process are founded on common goals that were set out in the Framework Agreement between the Deh Cho First Nations, Canada and the Government of the Northwest Territories:

- to put in place a Deh Cho government that will be based on Deh Cho First Nations laws and customs, as well as other Canadian laws and customs;
- to describe how the different levels of government will work together and who will have what powers and responsibilities;
- to make everyone's rights related to land, resources and governance in the Deh Cho territory certain and clear; and
- to describe how land, water and other resources like wildlife and fish in the Deh Cho territory will be used, managed and protected.

Principles

As part of the Deh Cho Process, the Deh Cho First Nations, Canada and the Government of the Northwest Territories agreed from the outset on some key principles that ensure an open and constructive dialogue.

- The Deh Cho Process is open and transparent. All negotiations are public and anyone can attend a negotiating session at any time to observe.
- The Parties work together to inform and consult.
- The Parties agree that informal discussions are the best way to encourage an open and honest exchange of interests and ideas. They agree that these discussions will not have an effect on any Party's legal negotiating position.
- While the Parties want to make progress as quickly as they can, they agree the negotiations can be done in steps and at a pace that allows all people of the Deh Cho territory to be well informed and involved, especially Elders.

Understanding the IRDA

The IRDA – short for Interim Resource Development Agreement – is more than just another acronym. It's a unique practical arrangement that will see Canada share the benefit of resource royalties with Deh Cho First Nations while they move towards concluding a final agreement on land, resources and self-government. With this agreement in place, the Deh Cho First Nations will be able to benefit from resource development opportunities in the Deh Cho territory now, rather than waiting until a final agreement is in place.

Known in South Slavey as *Duh Gogha Ndeh Ts'eh Saamba Holeh Ts'ehk'eh Eleh Weegaa'eleh*, the agreement not only outlines a resource royalties sharing formula, it also stipulates community involvement in oil and gas development and the negotiation of impact benefit agreements for major mining projects.

Once everyone's views had been heard on the issue, Deh Cho First Nations leadership passed a resolution to sign the Interim Resource Development Agreement with Canada. Pictured here during those discussions (from left to right) are Deh Cho Grand Chief Michael Nadli, Deh Cho First Nations Executive Director Allison dePelham and Deputy Grand Chief Michael Cazon.

We asked Chief Federal Negotiator, Robin Aitken, to answer a few questions about the IRDA and what it means for the Deh Cho First Nations and industry in the Deh Cho territory.

How does the IRDA work?

Each year, the Government of Canada will set aside a percentage of federal resource royalties collected from the Mackenzie Valley for the Deh Cho First Nations. This money will be paid out to the Deh Cho First Nations when they conclude a final agreement. However, even before a final agreement is reached, the Deh Cho will be able to access up to 50% (to a maximum of $1 million) of the total each year for economic development. The difference will be paid out at final agreement.

As part of the agreement, Canada and the Deh Cho First Nations have committed to participating in a cycle for issuing oil and gas exploration licences within one year and every two years thereafter.

How much money will the Deh Cho First Nations get?

The amount will be calculated using a set formula that is included in the IRDA. It is the same formula included in other final land claim agreements in the NWT. Specifically, the Deh Cho First Nations will receive 12.25% of the first $2 million Canada collects in resource royalties from the Mackenzie Valley each year and 2.45% of any additional royalties. (The formula and an example of how it would be applied is illustrated below).

What about mining?

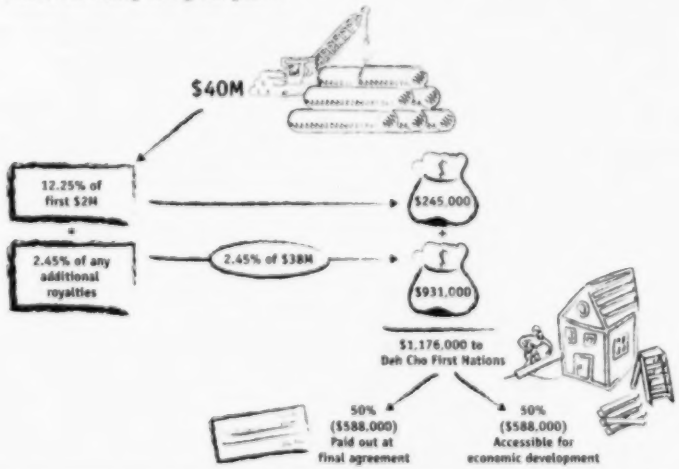
The IRDA states that Canada will not issue a new surface lease in the Deh Cho territory for any new major mining project that will impact on members of the Deh Cho First Nations unless the mining interests involved have entered into negotiations with the affected Deh Cho First Nation or Nations for an impact benefit agreement for the project.

What does the IRDA require in terms of consultations?

The Deh Cho Interim Measures agreement, signed in May 2001, already provides a significant role for the Deh Cho First Nations in land, water and resource management in the Deh Cho territory, including consultations. The IRDA adds to this by outlining consultation measures for oil and gas development and providing $150,000 to the Deh Cho First Nations for an Assistant Resource management Co-ordinator who will assist with these consultations. The IRDA also states that Canada will consult the Deh Cho on any new proposed amendments to the *Canada Mining Regulations*.

How the Interim Resource Development Agreement will work

If, for example, $40 million is collected in federal resource royalties from the Mackenzie Valley in a given year...



Protecting land and water in the Deh Cho

The land and waterways of the Deh Cho territory are sacred to the Deh Cho people. They have provided sustenance, shelter and medicine for generations. With changing times, the Deh Cho people have also recognized the benefits of resource development. While they welcome this, the Deh Cho First Nations are interested in protecting the land and water that has sustained them for so long through responsible and managed development.

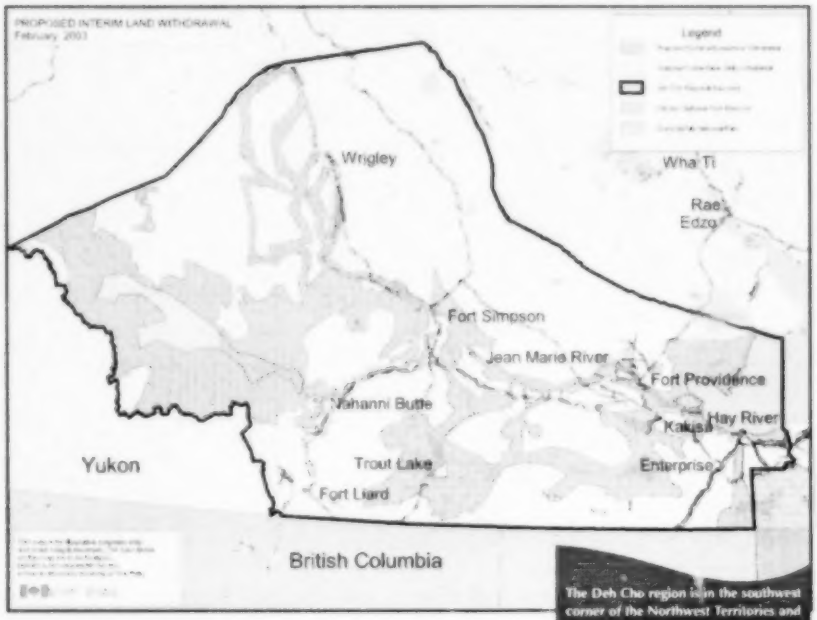
Canada and the Deh Cho First Nations have balanced these two interests – protection and development – through Interim Land Withdrawals. The withdrawals will protect important areas of the Deh Cho territory and provide clear guidance for development to proceed in areas that are left open while negotiations are proceeding.

Over the past year, federal and Deh Cho negotiators have consulted Deh Cho community members extensively to piece together, and then confirm the Interim Land Withdrawals map shown here. They visited each community to gather information and hear people's views and consulted third parties who have interests in the region like mining companies, environmental groups, prospectors and oil and gas companies.

The following criteria were used to identify lands to be withdrawn:

- lands harvested for food and medicines;
- culturally and spiritually important lands;
- lands that are ecologically sensitive; and
- watershed protection.

The lands will be temporarily set aside by a federal Order in Council for five years. From that point on, no new mining claims can be registered or land leases issued on withdrawn lands. In addition, the terms of the Interim Measures Agreement and all current environmental protection and land use legislation will continue to apply.



Here are a few other points to note about Interim Land Withdrawals:

There are different kinds of land withdrawals – Some lands will be withdrawn from surface and sub-surface development, which means no development at all will be allowed. Other lands will be withdrawn from only sub-surface development, which means activities on the surface, like forestry, could be allowed. In addition, restrictions will apply to seismic activity on some withdrawn land.

Existing interests will not be affected – Existing interests on withdrawn lands such as registered mineral claims, cottages, business licences and leases will not be affected by the land withdrawals.

Withdrawn land is not "off limits" – Access will be permitted and the land can be crossed by people and vehicles.

Deh Cho Process land withdrawals would not interfere with a potential pipeline – The Parties have agreed to a defined pipeline study corridor.

"Interim" Land Withdrawals are a temporary measure – A Deh Cho Land Use Plan will be developed during the course of negotiations. It will describe, in detail, how the land, water and other resources in the Deh Cho territory are to be protected, as well as how they can be used and developed. Once the Deh Cho Land Use Plan is in place, it will define how land will be managed in the Deh Cho territory.

The Deh Cho region is in the southwest corner of the Northwest Territories and covers roughly 210,000 km². In total, approximately 70,000 km² have been withdrawn, or approximately 34% of the Deh Cho territory. Key areas protected include:

- **the Nahanni River watershed**
- **a buffer around the Mackenzie River**
- **the Bison sanctuary**
- **several major water bodies**

A year of consultation went into the Deh Cho Interim Land Withdrawal package. In Kakisa, the young people of the Ka'a'yee Tu First Nation participated in an information session with negotiators.

Elder Ted Landry of the Deh Gah Got'ie Koe First Nation in Fort Providence was among those who attended the leadership meeting where the Deh Cho First Nations passed a resolution supporting the Interim Land Withdrawals.

Just Plain Fun

Land and self-government negotiations are serious business, but there is always room for a little fun. That's what this section of *Plain Talk* is all about! This is where you get to have some fun and test your knowledge.

Based on this map, can you can identify some of the communities, major waterways and national parks in and around the Deh Cho region? Many of the names can be found in this edition of *Plain Talk*, but you may need to do a little extra research to find the rest. If you are stumped, the answers are at the bottom of this section.

There are 10 First Nations and three Métis Locals involved in the Deh Cho Process. They are located in nine different communities. Can you name the communities that correspond to the numbers on the map?

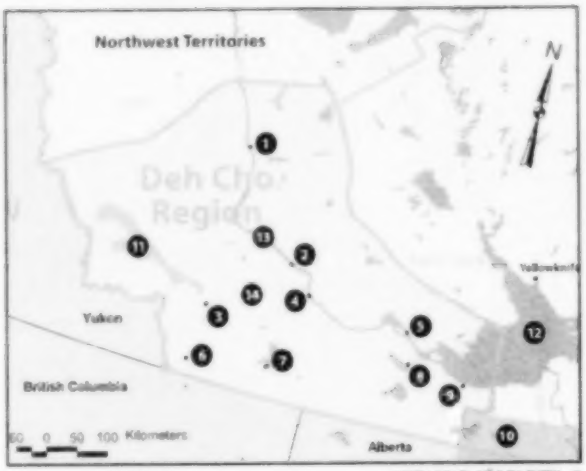
1. _____
2. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____

There is one national park within the Deh Cho Region and one on its eastern border. What are their names?

10. _____
11. _____

What major waterways correspond to these numbers?

12. _____
13. _____
14. _____



There are more facts, games and activities on DIAND's Youth Buzz
http://nwt.inac.gc.ca/youthbuzz

Answers

1. Dehcho Dene First Nation
2. Fort Simpson Métis Local and Fort Simpson Métis Local #52
3. Nahanni Butte Dene First Nation
4. Jean Marie River Métis and First Nation
5. Fort Providence Deh Cho First Nation and Sambaa K'e Dene First Nation
6. Fort Liard Acho Dene Koe First Nation and Fort Liard Métis Local #67
7. Trout Lake Sambaa K'e First Nation
8. Kakisa Tu Cho First Nation
9. Hay River Dene First Nation
10. Fort Smith Métis Local #255
11. Wood Buffalo National Park
12. Great Slave Lake
13. Liard River
14. Mackenzie River

You were asking...

Q What happens next?

A Looking forward, Canada, the Deh Cho First Nations and the Government of the Northwest Territories are working towards an Agreement-in-Principle (AIP).

In keeping with the step-by-step approach that is the foundation of the Deh Cho Process, a general AIP will set out the major themes and elements of an AIP and, ultimately a final agreement.

AIP discussions are already under way and workshops have taken place in some Deh Cho communities on themes such as governance and land management.

Do you have a question about land or self-government negotiations in the NWT? We'd be happy to provide an answer. Contact Roxane Poulin below.

OUR VISION

The NWT region of DIAND is a respected partner in a strong and healthy Northwest Territories.

We strive for:

- respectful, effective relationships with Aboriginal people;
- creating and enhancing opportunities for all Northerners;
- responsible resource development in healthy ecosystems;
- northern control over northern resources;
- responsive and accountable northern government as partners; and
- national initiatives that reflect the interests of all Northerners.

On the web

Visit the following for more information:

Government of Canada
Deh Cho Process Web site:
www.inac.gc.ca/DehCho

Deh Cho First Nations:
www.dehchofirstnations.com

GNWT Ministry of Aboriginal Affairs:
www.gov.nt.ca/MAA/home.htm

Plain Talk on the web:
Indian and Northern Affairs Canada site:
www.ainc-inac.gc.ca/nt/pt/index_e.html

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Cette publication peut aussi être obtenue en français sous le titre *Franc parler*

Plain Talk on Land and Self-government is produced by the Department of Indian Affairs and Northern Development in the NWT to help northerners understand these concepts, how they work, and what they mean in our day-to-day lives. It is not a legal document.